

Memorandum to the City of Markham Committee of Adjustment

August 16, 2021

File: A/104/21
Address: 36 John Dexter Pl, Markham
Applicant: Sheri Watson
Agent: Gregory Design Group (Shane Gregory)
Hearing Date: Wednesday August 25, 2021

The following comments are provided on behalf of the East Team.

The applicant is requesting relief from the following requirements of the Residential One (R1) zone under By-law 1229, as amended, to permit:

a) By-law 1229*, Section 11.2 (c)(i):

a covered porch to encroach 3'1" into the front yard, whereas the By-law permits a maximum encroachment of 1'6" into any required yards;

b) By-law 99-90, Section 1.2 (vi):

a maximum floor area ratio of 46.22 percent, whereas the By-law permits maximum floor area ratio of 45 percent;

as it relates to an addition to the existing single detached dwelling located on the subject lands.

Note comments contained in Zoning Preliminary Review (ZPR) section below.

BACKGROUND

Property Description

The 618.66 m² (6,659.2 ft²) subject property is located on the north side of John Dexter Road, west of 9th Line and south of Highway 7. The subject property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. There is a woodlot to the east known as the Sherwood Forest. The subject property currently contains a two storey detached dwelling, which according to assessment records was constructed in 1971. Mature vegetation exists across the property including several large mature trees in the front yard.

Proposal

The applicant is proposing to construct an addition to the existing dwelling with an area of approximately 9.94 m² (107 ft²) on the ground floor and 49.89m² (537 ft²) on the second floor above the garage. The proposed addition will increase the total gross floor area of the dwelling to 284.65 m² (3,063.94 ft²). The proposal includes a new porch at the front entrance that will extend approximately 1.52 m (5 ft) into the front yard. No trees are proposed to be removed.

Official Plan and Zoning

Official Plan 2014 (partially approved on Nov 24/17, and updated on April 9/18)

The subject property is designated "Residential Low Rise", which provides for single detached dwellings. Section 8.2.3.5 of the Official Plan outlines development criteria for the "Residential Low Rise" designation with respect to height, massing and setbacks. This criteria is established to ensure that the development is appropriate for the site and

generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, infill development is required to meet the general intent of these development criteria.

Zoning By-Law 1229

The subject property is zoned Residential One (R1) under By-law 1229, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the zoning by-law requirement with respect to the maximum permitted yard encroachment.

Residential Infill Zoning By-law 99-90

The subject property is also subject to the Residential Infill Zoning By-law 99-90. The intent of this By-law is to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with respect to floor area ratio.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on June 30, 2021, to confirm the variances required for the proposed development. It is noted that By-law 177-96 was referenced in the review as opposed to By-law 1229 for the yard encroachment variance. Consequently, the notice and sign were released to the public referencing By-law 177-96 and not By-law 1229. However, the section reference (11.2 (c)(I)) is the correct reference to By-law 1229. Therefore, Staff are of the opinion that re-notification is not required.

COMMENTS

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

Increase in Yard Encroachment

The applicant is requesting relief to allow a porch to encroach 3’1” into the required front yard, whereas the by-law permits a maximum encroachment of 1’6” into any required yards. Notwithstanding the encroachment, staff note that there will be ample open space available in the front yard area. Further, given that the proposed porch represents a small component of the overall massing of the dwelling, is unenclosed and, the principle front building wall will maintain its existing setback, staff do not anticipate the variance will result in any adverse impact on the streetscape character of the neighbourhood. Staff have no concerns with the variance.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 46.22 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of an addition that will increase the gross floor area of the dwelling to 284.65

m² (3,063.94 ft²), whereas the By-law permits a dwelling with a maximum floor area of 277.15 m² (2,983.21 ft²). This represents an increase of approximately 7.5 m² (80.72 ft²).

Floor Area Ratio is a measure of the interior square footage of the floor area of a dwelling as a percentage of the net lot area. However; floor area ratio it is not a definitive measure of the mass of the dwelling as it does not include open areas of a dwelling that can contribute to its overall massing.

Staff note that there is a number of homes that have obtained minor variance approval for floor area ratio increase ranging between 46% and 52%. The building layout of the proposed development complies with all other zoning provisions (such as setbacks and lot coverage) that establish the prescribed building envelope, which ensures the proposed addition will be in keeping with the intended scale of residential infill developments for the neighbourhood. Further, the building footprint at grade, will generally remain unchanged which helps maintain its existing spatial relationship with the adjacent homes. The height of the proposed addition meets the zoning by-law requirement and is consistent with the other homes on the street. The applicant confirms that no trees will be removed as a result of the increase in floor area ratio. Considering the recent infill development trend, the scale and massing of the proposed addition and the relationship with the neighbouring homes, Staff do not have any concerns with the requested variance.

PUBLIC INPUT SUMMARY

As of August 16, 2021, the City received one letter in support of the application. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Planning Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the requested variances meet the four tests of the Planning Act. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

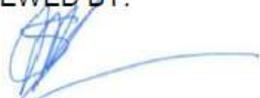
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Carlson Tsang, Senior Planner, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

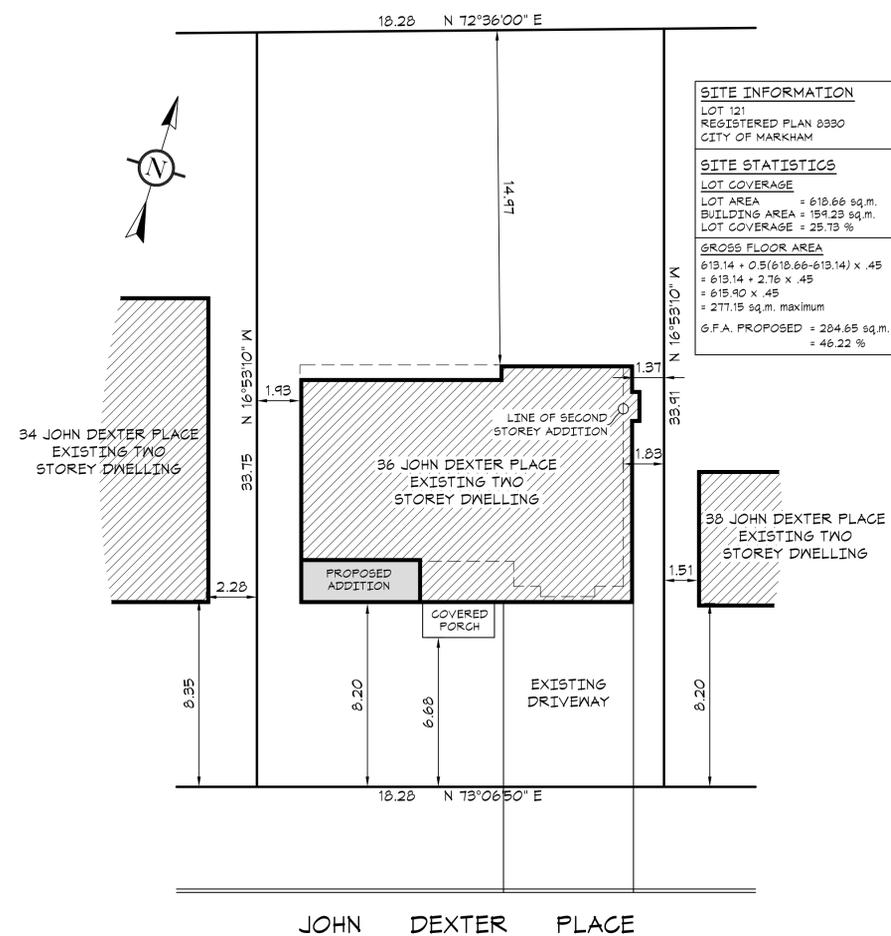
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/104/21

1. That the variances apply only to the proposed development as long as it remains
2. That the variances apply only to the subject development, in substantial conformity with the batch stamped plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or their designate.
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the Director of Planning and Urban Design, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
4. That tree replacements be provided and/or tree replacement fees be paid to the Director of Planning and Urban Design, or their designate, if required, in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
5. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, including street trees, in accordance with the City's Streetscape Manual (2009), as amended, and inspected by the Tree Preservation Technician, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
6. Submission of a detailed Siting, Lot Grading and Servicing Plan stamped by a Professional Engineer/Ontario Land Surveyor/Landscape Architect to be reviewed and approved by the Director of Engineering, or their designate and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering, or their designate.

CONDITIONS PREPARED BY:

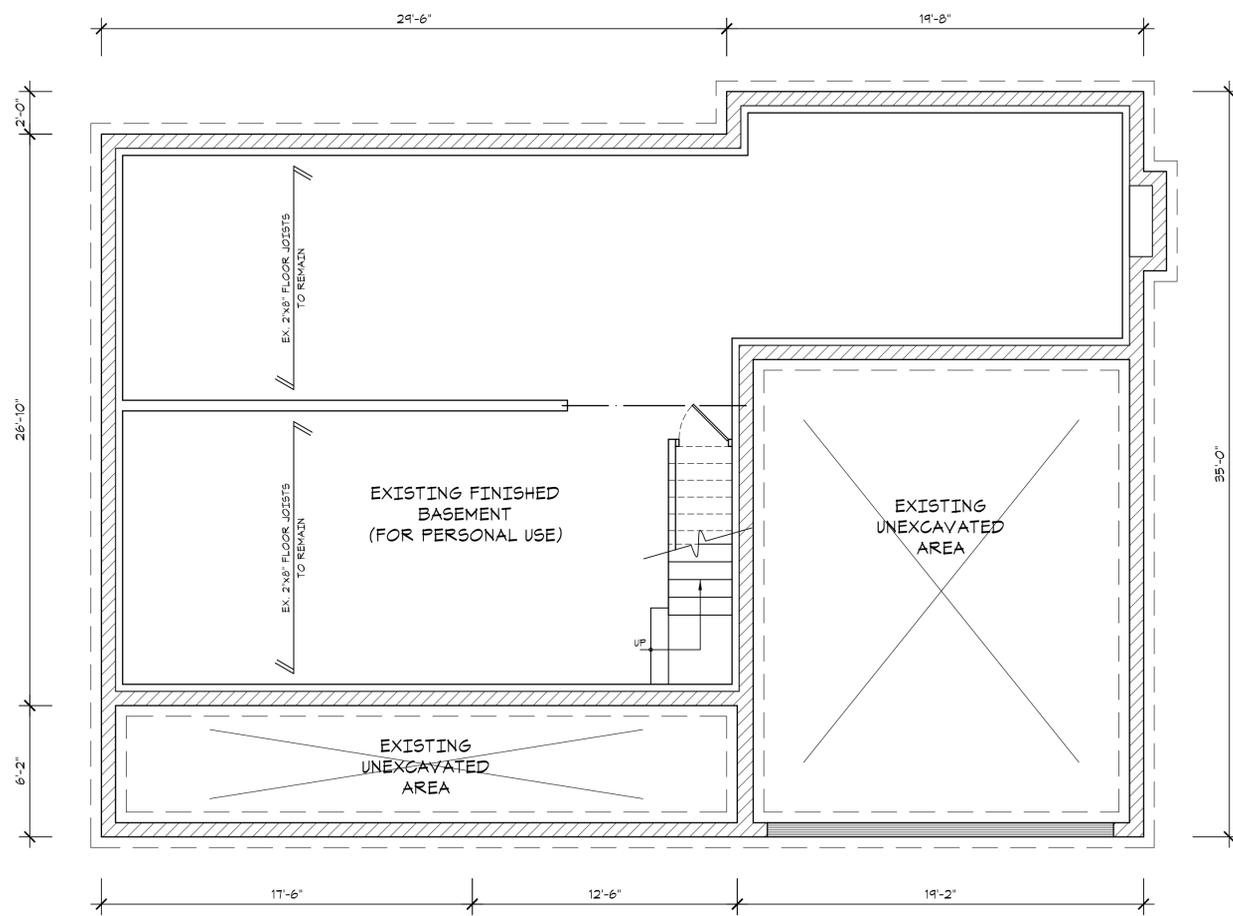


Carlson Tsang, Senior Planner, East District



SITE INFORMATION	
LOT 121 REGISTERED PLAN 8930 CITY OF MARKHAM	
SITE STATISTICS	
LOT COVERAGE	
LOT AREA	= 619.66 sq.m.
BUILDING AREA	= 157.23 sq.m.
LOT COVERAGE	= 25.39 %
GROSS FLOOR AREA	
613.14 + 0.5(619.66-613.14) x .45	
= 619.14 + 2.76 x .45	
= 615.90 x .45	
= 277.15 sq.m. maximum	
G.F.A. PROPOSED	= 284.65 sq.m.
	= 46.22 %

SITE PLAN
 SCALE = 1:150



BASEMENT & FOUNDATION PLAN
 EXISTING LAYOUT

GENERAL NOTES:
 ALL CONSTRUCTION IS TO CONFORM TO SECTION "4" OF THE ONTARIO BUILDING CODE (LATEST EDITION).
 CONTRACTOR SHALL CHECK AND VERIFY ALL NOTES AND DIMENSIONS.
 DO NOT SCALE DRAWINGS.
 OWNER / CONTRACTOR / DESIGNER IS RESPONSIBLE TO RE-CLAIM AND DESTROY ALL PREVIOUS AND UN-REVISED COPIES OF THIS DRAWING.
 THESE DRAWINGS ARE THE PROPERTY OF THE GREGORY DESIGN GROUP AND / OR ITS CLIENTS ONLY.
 BUILDING PERMITS TO BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.

REVISIONS AND DATA	DATE

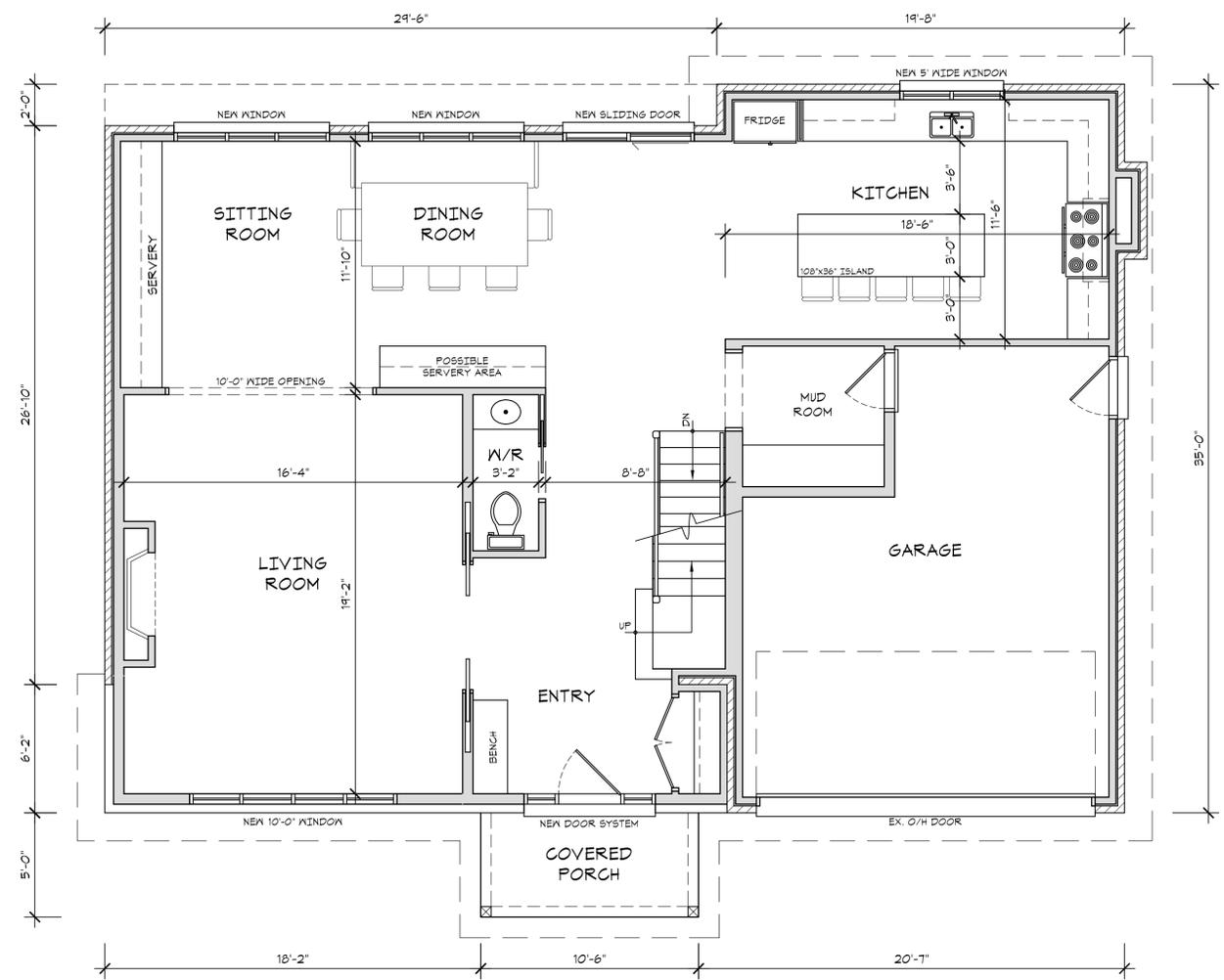
I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual B.C.I.N. - 25825
 Firm B.C.I.N. - 30506
 Russ Gregory
 NAME SIGNATURE

PROJECT TITLE
**PROPOSED ADDITION
 36 JOHN DEXTER PL.
 CITY OF MARKHAM**

**THE GREGORY
 DESIGN GROUP**
 16 CHURCH STREET
 MARKHAM, ONTARIO L3P 2L6
 416-520-0978
 shane@gregorydesigngroup.net

SCALE 1/4"=1'-0"	DATE 07/28/21
PROJECT NUMBER 2272-21	SHEET NUMBER A-1
DRAWN BY S.Gregory	CHECKED BY R.G.



GROUND FLOOR PLAN

PROPOSED LAYOUT
 EXISTING FLOOR AREA = 1,189 sq.ft.
 PROPOSED ADDITION = 107 sq.ft.
 TOTAL FLOOR AREA = 1,296 sq.ft.
 GARAGE AREA = 365 sq.ft.

TOTAL NET FLOOR AREA = 1,661 sq.ft. (154.31 sq.m.)
 BUILDING AREA = 1,714 sq.ft. (159.23 sq.m.)
 (inc. covered porch)

█ - DENOTES EXISTING WALLS TO REMAIN

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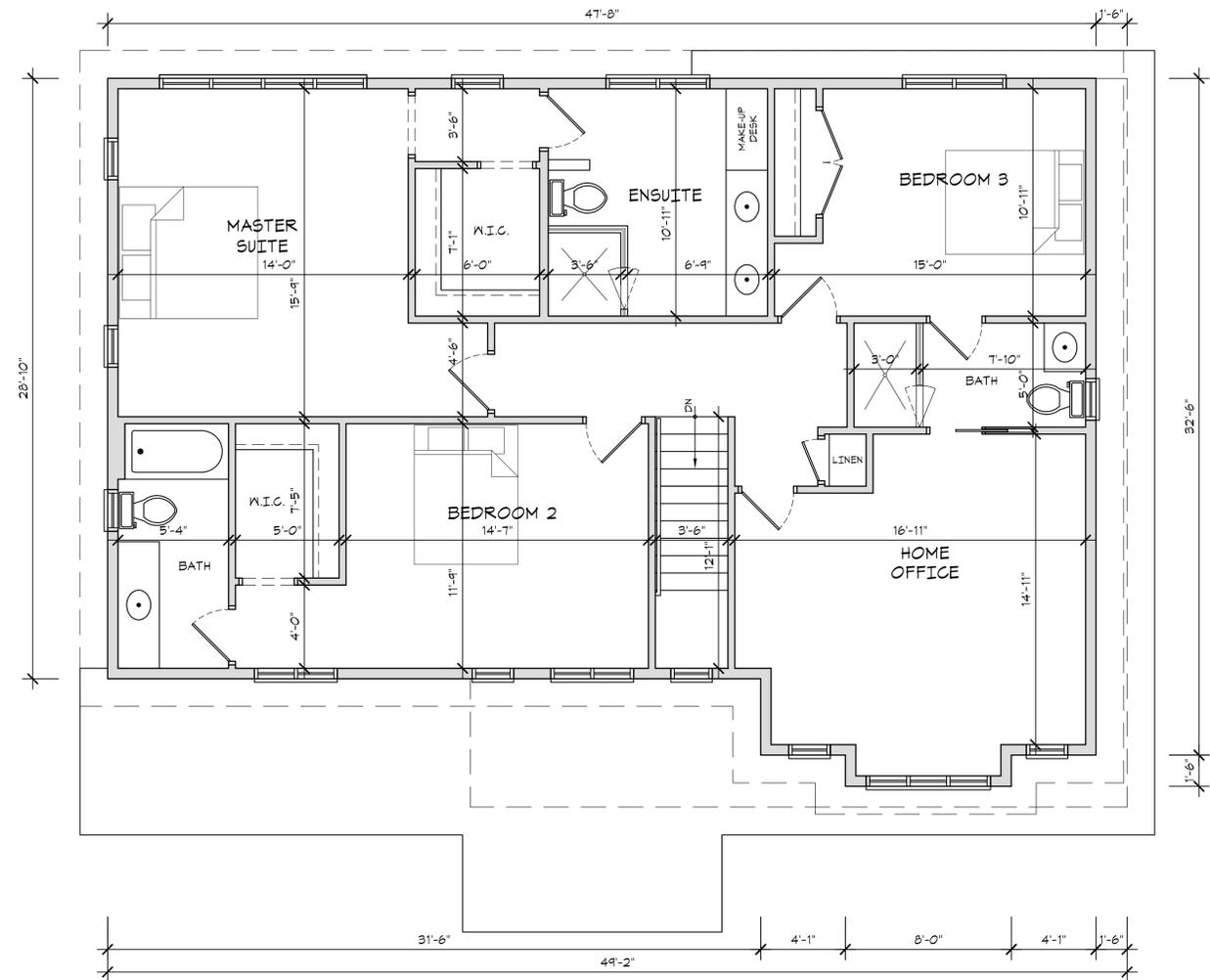
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SCALE 1/4"=1'-0"	DATE 05/20/21
PROJECT NUMBER 2272-21	SHEET NUMBER A-2
DRAWN BY S.Gregory	CHECKED BY R.G.



SECOND FLOOR PLAN

PROPOSED LAYOUT
 EXISTING FLOOR AREA = 872 sq.ft.
 PROPOSED ADDITION = 573 sq.ft.
 TOTAL FLOOR AREA = 1,445 sq.ft.
 OPEN SPACE = 42 sq.ft.
 TOTAL NET FLOOR AREA = 1,403 sq.ft. (130.34 sq.m.)

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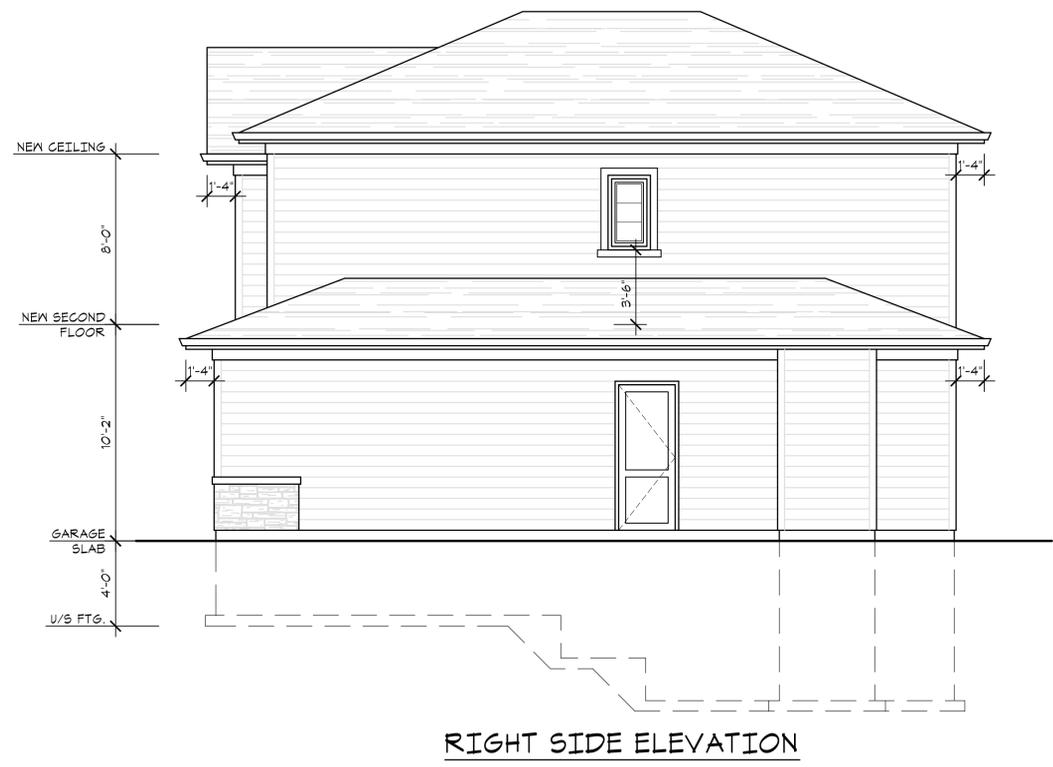
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DRAWN BY S.Gregory	CHECKED BY R.G.



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SCALE 1/4"=1'-0"	DATE 05/20/21
PROJECT NUMBER 2272-21	SHEET NUMBER A-4
DRAWN BY S.Gregory	CHECKED BY R.G.



REAR ELEVATION



LEFT SIDE ELEVATION

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SCALE 1/4"=1'-0"	DATE 05/20/21
PROJECT NUMBER 2272-21	SHEET NUMBER A-5
DRAWN BY S.Gregory	CHECKED BY R.G.